

AGENDA – REGULAR MEETING OF CITY COUNCIL – January 12, 2010

1. 7:00 p.m. roll call.
2. Invocation.
3. Pledge of allegiance.
4. Comments from the public, limited to five minutes, on matters not on the regular agenda.
5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion).
  - a. Approval of minutes of the previous meeting and dispensing with reading of minutes.
  - b. Consider supplemental appropriation for the Police Department in the amount of \$3,200.28 – Second Reading.
6. Public Hearing – Consideration an ordinance establishing a deer hunting season (archery) within the City limits.
7. Public Hearing – Consider adoption of the Capital Improvement Program.
8. Consider naming Pear Street remnant.
9. Harrisonburg Downtown Renaissance quarterly presentation
10. Consider approval of Cafeteria Plan resolution (Finance Dept)
11. Consider establishing CDBG spending priorities for FY 10-11
12. Consider award of Stone Spring/Erickson Phase II construction bid
13. Consider appointment of City Council representative to Virginia First Cities Board of Directors
14. Consider approval of “Memorandum of Understanding for Technical Energy & Water Savings Audit”.
15. Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$4,203.58 – First Reading.
16. Consider supplemental appropriation for the parks and Recreation Department in the amount of \$1,725 – First Reading.
17. Consider supplemental appropriation for the Fire Department in the amount of \$30,470.54 – First Reading.

18. Consider supplemental appropriation for the Police Department in the amount of \$6,088.90 – First Reading.
19. Consider supplemental appropriation for the Police Department in the amount of \$5,653.26 – First Reading.
20. Other Matters:
  - a. Council and Staff
21. Boards and Commissions
  - a. Board of Equalization – Re-appoint Robert L. Hansbrough
22. Closed Session
  - a. Discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made

## REGULAR MEETING

December 8, 2009

**DRAFT**

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Chief of Police Donald Harper.

Council Member Frank gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Bucky Berry encouraged everyone to support the Salvation Army's holiday food drive.

Council Member Wiens offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and an alley closing request by Donna R. Brock to close an undeveloped alley located between Effinger Street and Kelley Street. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

City Manager Hodgen said that City Council considered this grant application and passed a similar resolution on October 27, 2009 for this grant. However, at the time there was no public hearing held, which is required for the TE grant applicant process. The City was given permission by VDOT to submit this resolution after the application due date. The grant application pertains to Phase II of the Streetscape program. The estimated cost is \$877,310. Applications submitted to the program require a local 20% or \$175,462 match.

Mayor Degner presented the following resolution for Council's consideration of approval:

**RESOLUTION OF SUPPORT**  
**Application for Virginia Department of Transportation**  
**Transportation Enhancement Grant Funds for**  
**DOWNTOWN STREETScape, PHASE II**

**WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the**

sponsoring jurisdiction in order that the Virginia Department of Transportation establish an enhancement project in the City of Harrisonburg; and

WHEREAS, The City of Harrisonburg has an adopted Harrisonburg Downtown Streetscape Plan and recognizes the importance of providing safe and adequate pedestrian facilities; and

WHEREAS; The City of Harrisonburg, Harrisonburg Downtown Renaissance, and other partners have collaborated successfully to complete Downtown Streetscape Phase I in 2008; and

WHEREAS, Phase II will include sidewalk and curb ramp improvements on the west side of Main Street from Bruce Street to Elizabeth Street, crosswalk enhancements, upgrade of traffic signals and new pedestrian signals, and other streetscape-type improvements; and

WHEREAS, the total project cost of Phase II has been determined to be \$877,310; and

NOW, THEREFORE BE IT RESOLVED, that the City of Harrisonburg requests the Commonwealth Transportation Board to establish a project for the improvement of Phase II of the Harrisonburg Downtown Streetscape and that the City of Harrisonburg commits to funding the 20% match required for the grant in the sum of \$175,462.

BE IT FURTHER RESOLVED, that the City of Harrisonburg will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

BE IT FURTHER RESOLVED, that if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Harrisonburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this, the 8<sup>th</sup> day of December 2009.

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Mayor Kai Degner

Attest:

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Yvonne Ryan, MMC, City Clerk

At 7:06 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, November 25, 2009.

## NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a public hearing on Tuesday December 8, 2009 at 7:00 p.m., in City Council Chambers, 409 South Main Street to consider the following:**

**Public hearing to consider a resolution for VDOT's Transportation Enhancement Program for Phase II of the Downtown Streetscape Project.**

**VDOT's Enhancement Program is a federally funded program for projects that meet certain criteria for enhancing the safety of pedestrians or bicyclists. This grant application for Phase II Streetscape includes replacement of curb and gutter, brick sidewalk, lighting and landscaping. The termini points for this project are Bruce Street to the south and Elizabeth Street to the north. Court Square has been identified as a standalone project for sidewalk improvements, however, water and sewer utility replacements will continue from Bruce to Elizabeth.**

**The total cost of the project has been determined to be \$877,310. Application for the program requires a 20% match to the project cost by the City of Harrisonburg in the sum of \$175,462.**

**All persons interested will have an opportunity to express their views at this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG**

**Kurt D. Hodgen**

**City Manager**

Mayor Degner called on anyone desiring to speak for or against the VDOT's Transportation Enhancement Program resolution. There being no one desiring to be heard, the public hearing was declared closed at 7:07 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt the resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Virginia Mennonite Home, Inc. to amend the Virginia Mennonite Retirement Community Master Planned Complex to modify the allowable uses for the Woodland facility, single family homes and open space. The property is located at 1301 Virginia Avenue. The Comprehensive Plan designates this area as Institutional. Mrs. Turner reviewed the surrounding uses in the area. The applicant wants to amend the 6.9 acres to build Green House Homes as an innovational approach to skilled nursing. Each home will have ten private rooms, each with a bathroom, and common

living areas. Mrs. Turner reviewed the proposed loop road and entrances onto the property, sight distance plans along Virginia Avenue, and an EMU access easement. Planning Commission recommended amending the Virginia Mennonite Retirement Community Master Plan.

At 7:13 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 23, and Monday, November 30, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, December 8, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

#### ***Master Plan Amendment – VMRC (Woodland Green House Homes)***

**Public hearing to consider a request from Virginia Mennonite Home, Inc. to amend an approximate 6.9 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The request would modify the allowable uses for the Woodland facility and the adjacent open space and single family homes located at 1301 Virginia Avenue and 1304, 1305, 1307, 1308, 1309, 1311, & 1321 Woodland Drive. The property is zoned R-3, Multiple Dwelling Residential District along with an Institutional Overlay District and can be found on tax maps 52-A-1.**

**The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people.**

**The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The I-1, Institutional Overlay District is intended to provide for orderly development of certain nonprofit institutional uses and is created as a special overlay district to be superimposed on base districts by approval of City Council. Dimensional and density regulations are intended to supplement those permitted in the underlying zoning classification.**

Mayor Degner called on anyone desiring to speak for or against amending the Virginia Mennonite Retirement Community Master Plan.

Chris Garber representing the Troyer Group said the Green House Community is a very innovative approach to senior living. The loop road through this project is designed to allow emergency vehicles to access the site and be able to access each individual home. The design of

the site will maintain as many of the existing trees on site as possible. If approved, this will be the first Green House Community design in the Commonwealth of Virginia.

Sylvia Moore a resident of Park Gables at VMRC spoke in favor of the Green House concept because it changes the stereo-typical concept of nursing home care.

Marvin Nisley, a member of the staff with VMRC, said this is a living arrangement for people who need long-term nursing care. VMRC will be the first in Virginia to put Green House Homes into place. There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve the Virginia Mennonite Retirement Community Master Plan. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

A public hearing scheduled to amend Sections 10-3-46 and 10-3-48.4 of the Zoning Ordinance was withdrawn by the applicant.

Planning and Community Development Director Turner presented a request from Cypress Park, LLC to preliminarily subdivide 32.9 acres into 78 single family home lots, zoned R-1, Single Family Residential District. The property is located at 1120 Willow Spring Road and can be found on tax map parcels 100-A-3 and 100-B-3. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding uses in the area. This proposal has been reviewed by Planning Commission and City Council several times during the last five years. The property is zoned R-1, but is in the middle of an area that is mostly developed with industrial uses and a landfill. The whole development is considered a large cul-de-sac and only has one public street entering into the neighborhood, no secondary public street access, and requires crossing a rail line. Although the general layout and design of the community has not changed, the applicant claims that the Subdivision Ordinance variance is not necessary because the request is not deviating from the City's maximum cul-de-sac length of 800 feet or the regulation of 250 maximum vehicle trips per day. Although the property owner is not requesting the Subdivision Ordinance variance, this requirement must be waived in order to build the subdivision. Requirements for cul-de-sac are necessary because of service deliveries, snow removal, student pick-up, bike and pedestrian's safety, police patrols, and public safety. The City Attorney has determined that if the subdivision is approved as requested that it will need a variance. The property owner is proposing a 50-foot buffer easement adjacent to the landfill, a fence and two rows of Leyland Cypress and Norway Spruce trees, and 78 single-family home lots. Planning Commission recommended approval by a vote of four to two with the following conditions: 1) The developer shall construct the emergency access road so it is functional during the first phase of the project. 2) The developer shall perform a diagnostic railroad review to determine if active controls are warranted for the railroad crossing into and out of the property. Planning Commission recommended approval of the preliminary plat by a vote of four to two.

Following a very lengthy discussion and comments, Vice-Mayor Baugh offered a motion to deny the request for the preliminary plat. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2008-2009 Comprehensive Annual Financial Report. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

The next item of business was a presentation by People Incorporated. Rob Goldsmith, President of People, Inc., provided an overview of the agency and its purposes, which are primarily to benefit low and moderate income persons. Mr. Goldsmith requested that Council designate People Incorporated as the City of Harrisonburg Community Action Agency. People, Incorporated has recently become the designated Community Action Agency for Page, Shenandoah, Clarke, Frederick, and Warren counties.

The following discussion by Council Members included: Noted in the information provided by People Incorporated that form #990 has not been prepared since 2007. Would People Incorporated be competing with local agencies for funding? Council requested that staff provide more information before taking any action.

The next item of business was a presentation by Bicycle Coalition. Earl Martin, representing Voluntary Gas Tax, Laura Maxim representing New Community Project, and Ben Wyse representing Shenandoah Valley Bicycle Coalition presented a brief overview of their goals of helping Harrisonburg become a more bicycle-friendly City in a timely fashion. They proposed sending representatives from the City and the Bicycle Coalition on an all expenses paid visit to Davis, California, a model bicycle-friendly City, to learn first-hand about how they can have implemented bicycle infrastructure and bike-friendly design standards in the City. Davis is also a university town and is surrounded by agricultural uses similar to Rockingham County. Council Member Wiens offered a motion to approve an offer from the Bicycle Coalition to send representatives from the Bicycle Advisory Committee, City Council, and Planning Commission, to Davis, CA. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Assistant City Manager Evan Vass presented for Council's consideration a draft ordinance establishing a deer hunting season (archery) within the City limits. Mr. Vass reviewed the language in the proposed ordinance that would permit and regulate a deer archery hunting



season on private property within the City limits. Following further discussion and comments, Council Member Frank offered a motion to schedule a public hearing in January, 2010. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These asset seizure funds will be used to purchase ballistic level III helmets for the Swat Team. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 3,200.28 chge. to: 1000-31010 Amount from Fund Balance

\$ 3,200.28 approp. to: 1000-310631-46100 Police supplies

The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Council Member Frank offered a motion that James R. Robinson, 760 Elmwood Drive, be appointed to a second term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2013. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

Council Member Frank offered a motion that John Marr, 251 Maryland Avenue, be appointed to a first term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2013. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 9:50 p.m., Council Member Frank offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. Discussion and consideration of prospective candidates to be appointed to the Harrisonburg Planning Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh

Council Member Frank  
Mayor Degner

Absent – None

At 10:10 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

Vice-Mayor Baugh offered a motion that Debra Stevens Fitzgerald, 93 Middlebrook Street, be appointed to fill the unexpired term of Jared Burden on the Harrisonburg Planning Commission to expire on December 31, 2010. The motion was seconded by Council Member Wiens and approved with a majority voice vote.

At 10:12 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Public Library

**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	<b>Item:</b> Consider supplemental appropriation for the Police Department in the amount of \$3,200.28 – Second Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> These asset seizure funds will be used to purchase ballistic level III helmets for the Swat Team.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>   <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.125	<b>Attachments:</b> 1. Supplemental Appropriation form.

CITY OF HARRISONBURG, VIRGINIA  
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS  
For Fiscal Year Ended June 30, 2010

From:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31010	Amount from Fund Balance	\$3,200.28
		(10002702 Asset Seizure Money)	

To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	310631-46100	Police Supplies	\$3,200.28

Reason:

To purchase ballistic Level IIIA helmets for the  
SWAT Team.

Requested by : Ed. D.D. Roney 11-18-09  
Head of Department Date

Funds Available : John Seal 11/18/09  
Director of Finance Date

Recommended & Approved : For A. Hedger 11/30/09  
City Manager Date

City Council Approval: 12-8-09  
(1st reading)

City Council Approval: \_\_\_\_\_  
(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME

DATE

JV #

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	<b>Item:</b> Public Hearing - Consider an ordinance establishing a deer hunting season (archery) within the City limits.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> The proposed ordinance (attached) would permit and regulate a deer archery hunting season on private property within the city limits.
<b>Recommend:</b>  YES: <input type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.10	<b>Attachments:</b> 1. Public Hearing notice. 2. Copy of Ordinance

**NOTICE OF PUBLIC HEARING  
ON ENACTING AN  
ARCHERY DEER HUNTING  
ORDINANCE FOR THE  
CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on January 12, 2010 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning enacting an ordinance for a deer hunting archery season for the City of Harrisonburg.

Copies of the proposed ordinance enacting a deer hunting archery season are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P.M.

All persons interested will have an opportunity to express their views at this public hearing.

Any person requiring auxiliary aids, including signers, in connection with this public hearing shall notify the City Manager at least five (5) days prior to the time of the hearing.

**CITY OF HARRISONBURG**

Kurt D. Hodgen,  
City Manager

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**ORDINANCE ENACTING SECTION 16-6-42**  
**OF THE**  
**HARRISONBURG CITY CODE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Section 16-6-42 be enacted as follows:

**Section 16-6-42. Archery season to hunt deer.**

(a) The Regulations of the Commonwealth of Virginia Department of Game and Inland Fisheries pertaining to hunting deer by bow and arrow, as they may be amended from time to time and/or from year to year, are hereby adopted, subject to the following rules, regulations, specification and limitations:

(1) *Geographic areas.* The discharge of archery equipment for the taking of deer inside the city boundaries may occur on parcels of private property with the written permission from the property owner, subject to the requirements and regulations and other state hunting laws. At all times while hunting under this section, all hunters shall have on their person, the applicable Virginia licenses and the written permission of the landowner. The discharge of archery equipment shall not occur on city property, school property or church property.

(2) *Elevated stands.* The discharge of archery equipment for the taking of deer shall be from stands elevated not less than ten (10) feet above the level of surrounding land. Otherwise, the discharge of archery equipment shall be prohibited.

(3) *Proximity to structures and streets.* No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway or public land or public place within the city limits or toward any building or dwelling in such a manner that an arrow may strike it.

(4) *Firearms.* Firearms of any type, caliber or description, shall not be used or carried during deer hunting.

(b) It is the intent of this ordinance to permit the taking of deer with archery equipment during the Early Special Archery Season, the Full General Firearms Deer Season and the Late Special Archery Season, as designated in the regulations promulgated by the Virginia Department of Game and Inland Fisheries.

(c) No pursuit of an injured or wounded deer shall be permitted upon the land of neighboring landowners unless the hunter has first obtained permission from that landowner. No field dressing of deer shall be permitted without the permission of the landowner. A hunter with permission to hunt or to enter property must remove all deer harvested from the property.

(d) All persons violating this section shall be guilty of a Class 1 misdemeanor.

(e) Except as otherwise specifically provided by this ordinance, the prohibitions contained in Section 16-6-41 of this Code, as amended, shall remain in full force and effect.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.

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MAYOR

ATTESTE:

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CLERK OF THE COUNCIL



# AGENDA ITEM # 7

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Item:</b> Public Hearing - Consider adoption of the Capital Improvement Program.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Review:</b> Planning Commission recommended adoption of the Capital Improvement Program. (7-0)
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	
Jan12.1212	<b>Attachments:</b> 1. Public Hearing notice 2. Planning Commission extracts and other supporting documents.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 12, 2010, at 7:00 p.m. in the City Council Chamber located at 409 South Main Street, to consider the following:

The proposed Capital Improvement Program, for fiscal years 2010-2011 through 2014-2015. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Kurt D. Hodgen  
City Manager



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

409 South Main Street

Harrisonburg, Virginia 22801

Website: <http://www.harrisonburgcommdev.com/>

Telephone: (540) 432-7700 Fax: (540) 432-7777

January 4, 2010

TO THE MEMBERS OF CITY COUNCIL

CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider adopting the Capital Improvement Program.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING  
HELD ON:** December 9, 2009.

Chairman Jones read the agenda item and asked staff to review.

Mrs. Turner said we have the department heads here to present their projects. There are few new projects in the Capital Improvement Program (CIP) this year. We will be focusing mainly on projects that are either priority projects for their departments in the next fiscal year or projects that are new to the CIP for their department. With that we will let each department do their presentation as usual, and then, after each presentation, you can ask any questions of them.

Mr. Chenault said this is just an idea and I would have to refer to our newest member, Deb, because I do not know how much of an opportunity she has had to look at the CIP; but, my thought is rather than having presentations perhaps we should just simply see if the Planning Commission had any questions for the department heads.

Mrs. Fitzgerald said it is fine with me to proceed that way.

Chairman Jones said he had no opposition to that idea.

Mrs. Turner said I do not believe there would be any objections from the department heads. Also, please note, I did put some replacement pages at your desks. The Emergency Communication Center had asked me to move their projects up one year and I neglected to do that, so their one project is included and it changed several of the summary tables as well. You have all those changes and corrections before you now. Their project is one that was in the program last year as well.

Chairman Jones asked if there were any questions for department heads or staff members regarding the CIP.

Mr. Chenault said he had a question for the Public Works Department. In your projects, would it be safe to say that Reservoir Street would be the next major project we will be tackling after Stone Spring Road/Erickson Avenue?

Mr. James Baker, Public Works Director, said that is correct. Reservoir Street would be the next big project that we would want to tackle in the format that we are currently using. We are closely watching the activity along Linda Lane. If there is any development that occurs there, it may jump ahead or along with Reservoir Street. However, we are hoping the development community would help us a little bit on that portion of Linda Lane between East Market Street and Country Club Road.

Mr. Chenault said it has been somewhat of a gridlock situation out on Reservoir Street with the opening of all the new housing projects. It has become somewhat worse than Port Republic Road.

Mr. Baker said he would like to report that the plans for Reservoir Street are complete to a level that right-of-way negotiations can begin to take place; we just have not brought those plans forward for your review yet.

Mr. Da'Mes said Planning Commission had a presentation by James Madison University (JMU) regarding their master plan and they gave us some insight as to having some traffic coordination type suggestions along Reservoir Street. Do these plans incorporate any of the suggestions from JMU's architects?

Mr. Drew Williams, Public Works Superintendent, said we have been coordinating with JMU on the planning. Because their master plan document is fairly conceptual at this point and they have not outlined or identified any specifics, we are moving forward with the plans that we have designed. They are compatible with what the University is looking to do long range.

Mr. Da'Mes said the architect just seemed to have several suggestions during his presentation, as to how to streamline traffic flow in that area.

Mr. Williams said if he has some suggestions we would be very interested in seeing them.

Chairman Jones asked if there were any further questions for any of the department heads or staff. Hearing none, he asked if there was a motion on the CIP.

Mr. Chenault moved to accept the CIP and forward it to City Council with a favorable recommendation.

Mr. Finks seconded the motion.

Chairman Jones said there is a motion and second to accept the CIP and forward it to City Council. He then called for a voice vote on the motion.

All voted in favor of the motion. (7-0)

Respectfully Submitted,



Alison Banks  
Planner

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Item:</b> Consider naming Pear Street remnant.
<b>Reviewed:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	<b>Review:</b> Planning Commission suggests four names (in preference order) for the remnant of Pear Street: <ul style="list-style-type: none"> <li>• Constellation Court</li> <li>• Bartlett Court</li> <li>• Kiwi Court</li> <li>• Comet Court</li> </ul>
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other	
Jan12.1211	<b>Attachments:</b> Planning Commission extracts and other supporting documents.



**City of Harrisonburg, Virginia**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
409 South Main Street  
Harrisonburg, Virginia 22801  
Website: <http://www.harrisonburgcommdev.com/>  
Telephone: (540) 432-7700 Fax: (540) 432-7777

January 4, 2010

TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Consider naming Pear Street remnant.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING  
HELD ON:** December 9, 2009.

Chairman Jones read the item and asked staff to comment.

Mrs. Banks said as part of the current phase of the Stone Spring Road – Erickson Avenue Connector Project, Pear Street is being realigned at its intersection with Erickson Avenue. In doing so, a remnant of the existing Pear Street would remain and would have residential lots fronting along it. When the road project is complete this remnant would no longer be considered a portion of Pear Street; therefore, a new street name is necessary. Planning Commission is being asked to suggest names to City Council for this remaining portion of the road, which would be approximately 300 feet long, ending as a permanent cul-de-sac. Staff suggests considering the following: Kiwi Court; Plum Place; Lemon Lane; Comet Court; Galaxy Way; and Pluto Place.

Mrs. Fitzgerald suggested Bartlett Court.

Mr. Da'Mes said his daughter suggested Constellation Court.

Mr. Fletcher said these are good suggestions and we will check them with 911 to verify availability. Planning Commission can recommend several names to Council; 1<sup>st</sup> choice, 2<sup>nd</sup> choice, 3<sup>rd</sup> choice, and so on. City Council would make the final decision.

Chairman Jones asked if there were any other suggestions.

Mr. Baugh said if we were to take one from the suggested list, he liked Kiwi Court.

Mr. Snell asked if City Council gave any idea of the number of street names.

Mrs. Banks said this has not gone before Council yet.

Mr. Snell said he liked Comet Court.

Mr. Baugh moved to send a list, in preference order, of Constellation Court; Bartlett Court; Kiwi Court; and Comet Court.

Mr. Snell seconded the motion.

Chairman Jones said we have a motion and a second for four names; he then called for a voice vote.

All voted in favor of the motion (7-0).

Respectfully Submitted,

A handwritten signature in black ink that reads "Alison Banks". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Alison Banks  
Planner



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**  
**December 9, 2009**

## **CONSIDER NAMING PEAR STREET REMNANT**

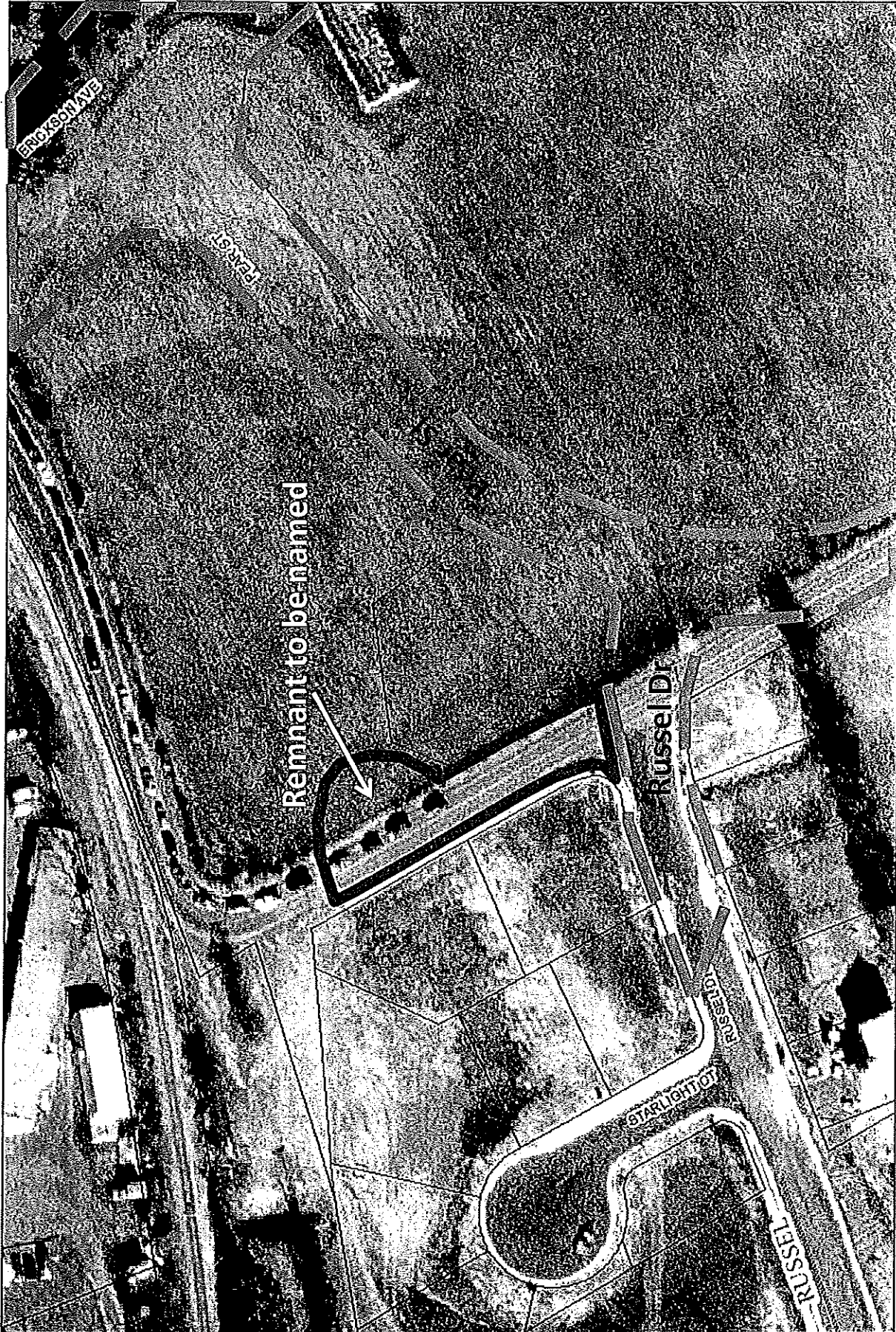
As part of the current phase of the Stone Spring Road – Erickson Avenue Connector Project, Pear Street is being realigned at its intersection with Erickson Avenue. In doing so, a remnant of the existing Pear Street would remain and would have residential lots fronting along it. When the road project is complete this remnant would no longer be considered a portion of Pear Street; therefore, a new street name is necessary. Planning Commission is being asked to suggest names to City Council for this remaining portion of the road, which would be approximately 300 feet long, ending as a permanent cul-de-sac.

Staff suggests considering the following:

Kiwi Court  
Plum Place  
Watermelon Way  
Lemon Lane

Comet Court  
Galaxy Way  
Pluto Place  
Warm Springs Way





Remnant to be named



# Pear Street Remnant

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  HDR	<b>Item:</b> Harrisonburg Downtown Renaissance quarterly presentation
<b>Reviewed:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  HDR	<b>Review:</b> Update on progress and accomplishments; Report on future goals and plans; Downtown Parking Services report
<b>Recommend:</b>  YES: <input type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.75	<b>Attachments:</b>

**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Finance	<b>Item:</b> Consider approval of Cafeteria Plan resolution
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Finance	<b>Review:</b> The City currently allows employees to participate in a “cafeteria plan” as part of its overall benefits program. Participants in this plan can have money deducted from their pay which they can then use to pay medical and dental expenses on a pre-tax basis. These expenses would be for items that aren’t paid by the City’s health insurance program.  The City’s policy for a number of years has specified an open enrollment period of 60 days, however our benefit plan consultants, Layman Diener and Borntrager recently advised Finance that a resolution was never adopted by Council endorsing the change. As such, the attached resolution “officially” makes the change in our open enrollment period from 30 to 60 days.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Finance	
Jan12.20	<b>Attachments:</b> 1. Copy of Resolution amending enrollment period

**RESOLUTION OF THE CITY COUNCIL  
FOR THE AMENDMENT OF  
CITY OF HARRISONBURG  
CAFETERIA PLAN**

On this date, the City Council of the CITY OF HARRISONBURG did meet to discuss the **Amendment of the CITY OF HARRISONBURG CAFETERIA PLAN to be effective with the open enrollment period for the plan year beginning July 1st, 2009.** Let it be known that the following resolutions were duly adopted by the City Council of the CITY OF HARRISONBURG and that such resolutions have not been modified or rescinded as of the date hereof;

**RESOLVED, that there will be an open enrollment period of 60 days prior to the beginning of each plan year for Health and Dental Insurance. This 60 day period for open enrollment is established by the City. Open enrollment for the Flexible Spending Accounts will begin on the date established by the City for Health and Dental Insurance and will end on the date established by the City but in no case less than the 60 day period.**

RESOLVED, that the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be applied.

RESOLVED, that the proper officers of the Employer shall act as soon as possible to notify employees of the amendment of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document, and Summary Plan Description for CITY OF HARRISONBURG CAFETERIA PLAN approved and adopted in the foregoing resolutions.

The undersigned further certifies and attests that the above resolutions were made with the consent of the full City Council of the City of Harrisonburg, each of whom were in attendance on this date:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

# AGENDA ITEM # 11

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  CDBG	<b>Item:</b> Consider establishing CDBG spending priorities for FY 10-11
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  CDBG	<b>Review:</b> The CDBG review committee will be meeting on Thursday, January 7 to discuss establishing block grant spending priorities for fiscal year 2010-11. A recommendation regarding priorities will be made to Council on January 12. City Council must make the final decision on how block grant funds are spent, within certain parameters and specific categories that are established by the Department of Housing and Urban Development.  During the City's first seven years as a CDBG-eligible Community, Council has allocated funds among a number of categories. However, given the current economic environment and the resulting stress on the general fund, the review committee is considering recommending that all of the FY 2010-11 CDBG funding, other than required administrative expenses, be dedicated toward eligible city capital projects.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  CDBG	
Jan12.2222	<b>Attachments:</b>

## AGENDA ITEM # 12

### AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Public Works	<b>Item:</b> Consider award of Stone Spring/Erickson Phase II construction bid – Phase 2
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input checked="" type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Public Works	<b>Review:</b> The City has advertised and received bids for the construction of Stone Spring Road/Erickson Avenue, Phase II. Bids were opened on December 17, 2009, at 2:00 PM. A copy of the bid results is attached. The apparent low bid is in the amount of \$21,238.035. The engineer's estimate for the project was \$25,484,497.00.  This project involves construction between South Main Street and the east city limits and among its many benefits, will eliminate a significant traffic bottleneck at South Main/Pleasant Hill/Huffman Streets. Upon completion of the Stone Spring widening on the "county side", this project will also facilitate better access to the new hospital site and east/west traffic flow in general  Council approval is being requested to authorize the City Manager to award the bid subject to receipt of final recommendation of award from our consulting engineers, approval of the Commonwealth Transportation Board, and confirmation of the amount of the Virginia Department of Transportation's (VDOT) financial contribution. VDOT is expected to contribute \$10 -12 million toward the project, as they are financially responsible for the replacement of the I-81 bridge and the approaches on either side. The City's share of project costs will likely need to be financed through a general obligation bond, pending final decisions on its joint TIGER grant application with Rockingham County and a special Congressional appropriation request submitted through Congressman Goodlatte's office.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input checked="" type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other  Public Works	
Jan12.200	<b>Attachments:</b> 1. Bid Results

## ATTACHMENT A

BID TABULATION					
<u>ERICKSON AVENUE/STONE SPRING ROAD CONNECTION</u>					
STATE PROJECTS: U000-115-223, C-501 B-601					
0081-082-128, C-501, B-642					
U000-115-224, C-501					
<u>HARRISONBURG, VIRGINIA</u>					
BID DATE: <u>DECEMBER 17, 2009 @ 2:00 P.M.</u>					
M&C COMMISSION NO: <u>1938</u>					
CONTRACTOR	BASE BID AMOUNT U000-115-223, C-501, B601	BASE BID AMOUNT 0081-082-128, C-501, B-642	BASE BID AMOUNT U000-115-224, C-501	TOTAL BID AMOUNT	%* DIFFERENCE
GENERAL EXCAVATION, INC.	\$11,508,207.81**	\$7,721,207.08	\$2,008,620.46	\$21,238,035.35**	—
PERRY ENGINEERING CO., INC.	\$11,918,927.15	\$7,502,320.35	\$2,006,817.89	\$21,428,065.39	0.89%
LANE CONSTRUCTION	\$11,695,299.55	\$8,292,978.75	\$1,970,517.25	\$21,958,795.55	3.39%
DLB, INC.	\$12,203,327.50	\$7,498,124.65	\$2,270,560.42	\$21,972,012.57	3.46%
BRANCH HIGHWAYS	\$12,812,765.10	\$7,778,552.04	\$1,999,950.85	\$22,591,267.99	6.37%
ENGLISH CONSTRUCTION	\$12,822,652.90	\$8,115,843.70	\$2,334,067.40	\$23,272,564.00	9.58%
AMERICAN INFRASTRUCTURE	\$12,930,150.85	\$8,645,036.50	\$2,544,014.20	\$24,119,201.55	13.57%
ENGINEER'S ESTIMATE	\$13,734,064.32	\$9,261,838.25	\$2,488,594.34	\$25,484,496.91	16.66%

\* % difference from low bid

\*\* Revised from \$11,508,208.53 in bid form due to math error.

**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input checked="" type="checkbox"/> Other  VA First Cities	<b>Item:</b> Consider appointment of City Council representative to Virginia First Cities Board of Directors
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> Harrisonburg is now a member of the Virginia First Cities organization. The organization is a coalition of cities that promotes legislative policies for the benefit of its members. Currently, Virginia's education, transportation and economic development policies favor suburban growth at the expense of cities. This has in turn accelerated suburban growth and created a lot of the pressure we now see on the state budget, particularly in the areas of education, transportation, and housing.  As a member of Virginia First Cities, Harrisonburg is allowed two members on the Board of Directors. One Director must be the City Manager, the other a member of City Council. It is requested that Council designate its representative to the Board at the January 12 City Council meeting.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.66	<b>Attachments:</b>



**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Item:</b> Consider approval of "Memorandum of Understanding for Technical Energy & Water Savings Audit".
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> This request is to authorize the City Manager to sign a "Memorandum of Understanding for Technical Energy & Water Savings Audit" with Linc Services, LLC. Linc proposes to conduct a Technical Energy & Water Savings Audit of four (4) city buildings. As part of the audit, Linc Services will provide a written report for City staff and Council to review in order to consider entering into an Energy Performance Contract. This work is associated with the City's receipt of an Energy Efficiency and Conservation Block Grant through the ARRA. Linc was selected by a City review team after a detailed RFP process.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Public Works	<p>As described in the MOU, the City has no payment obligations at the time of execution of the MOU, but in the event that Linc Services presents an Audit report that meets the City's terms and the City decides not to proceed with the implementation phase (entering into an Energy Performance Contract) then the City will pay Linc Services, LLC \$12,000 for the Audit.</p> <p>If the City proceeds with the implementation phase, based on Linc's initial review, the City has the opportunity to realize an estimated \$534,394 in energy savings over the next 15 years. The \$12,000 audit fee would also then be incorporated into the Energy Performance Contract's project costs. The final estimates in savings will be provided in the Audit Report and draft Energy Performance Contract that will be presented to Council at a later date.</p>
Jan12.88	<b>Attachments:</b>  1. Memorandum of Understanding 2. Project Overview

## PROJECT OVERVIEW

The City of Harrisonburg will be receiving \$206,200 in ARRA stimulus funds from the US Department of Energy (USDOE) and city staff is recommending that \$194,000 be utilized to offset capital costs for an Energy Savings Performance Contract (ESPC) to address some critical facility needs in the City. (Note: \$12,000 of the ARRA funds has been allocated to the Public Utilities Department for a Water Pump Optimization Study currently underway.)

ESPC is a Virginia State legislation that allows governmental units to retrofit/upgrade their aging infrastructures through a financial mechanism that places no additional burden on the taxpayers, and no need to increase budgets or raise capital funds. The solutions are self funded such that the savings generated pay for the improvements over the term. The ESPC process requires that a Virginia State certified Energy Services Company (ESCO) be competitively selected to audit pre-determined facilities for energy saving measures. The ESCO must then recommend what measures are to be taken and guarantee the energy savings produced from those measures. The upgrades proposed are generally for buildings' mechanical and electrical equipment which are near or already passed their useful life.

Utilizing a baseline energy and emissions inventory completed by city staff in 2008, staff selected four facilities for improvements: Municipal Building, Public Works, Public Safety, and Community Activities Center. These buildings are in need of improvement and that these deficiencies are costing the City significantly in utilities. The City will have few options over the next five years in which it can afford to address these deficiencies. This proposed program not only allows for critical upgrades, completely utilizing existing budget in a paid from savings approach, but allows the City to continue ICLEI-Local Governments for Sustainability carbon reduction commitments.

Linc Services, LLC is the ESCO the committee of city staff has chosen to work with and we are recommending:

- High Efficiency Lighting upgrades in all four buildings
- Water conservation low flow aerators in four buildings
- Solar domestic Hot water – Public Safety, Community Center and Public Works
- New high efficient Heating and Cooling systems, Public Safety, Community Center, Municipal Building
- Recommissioning of existing heating and cooling systems – Public works
- New or expanded automated control systems – All buildings
- Plus several other isolated solutions.

Under the current proposal, the above listed changes/upgrades will reduce utility consumption in the above mentioned four facilities by \$163,400 or 42% each year over the next 15 years and add \$534,394 back into the City's general fund or to fund a project such as replacement of windows in the Municipal Building. The savings of \$163,400 each year then funds the \$162,276 annual cost of the program, making it a self funded program with guaranteed positive cash flow. Note, as no payments are made until 30 days after equipment installation/upgrades, there will be savings during the construction period which are expected net the city more than \$58,000 in the first year's budget. (Please see the attached cash flow example.)

It is the recommendation of city staff to proceed to the next phase and issue a Memorandum of Understanding (MOU) between the City of Harrisonburg and Linc Services. The MOU outlines the objectives of the program and will allow Linc to finalize the detailed engineering and prepare contractual documentation.

# COMMONWEALTH of VIRGINIA

## MEMORANDUM OF UNDERSTANDING for TECHNICAL ENERGY AND WATER SAVINGS AUDIT

**OWNER:** *City of Harrisonburg*

**ENERGY PERFORMANCE CONTRACTOR**  
Linc Services, LLC  
45180 Business Court,  
Suite 600  
Sterling, VA 20166  
PH: 703.679.1143  
FX: 703.679.1430

**TITLE OF PROJECT:** *City of Harrisonburg*

**PROJECT CODE:** *N/A*

**DATE OF MOU:** December 18, 2009

\*\*\*\*\*

### ABBREVIATIONS:

CPSM	= Commonwealth of Virginia Construction & Professional Services Manual for Architect/Engineers, 12/31/96 edition latest revision
OWNER	= Public body
ESCO	= Energy Performance Contractor
VUSBC	= Virginia Uniform Statewide Building Code

The ESCO agrees to provide the following services under the terms set forth in the Commonwealth of Virginia contract C30020 for the above-identified project:

#### 1. ESCO SERVICES:

The ESCO will perform a Technical Energy and Water Savings Audit and determine the feasibility of entering into an Energy Performance Contract to provide for installation and implementation of energy and water savings measures at the Owner's facilities.

The ESCO agrees to perform a Technical Energy and Water Savings Audit in accordance with the Technical Energy and Water Savings Audit Instructions.

The ESCO agrees that this Technical Energy and Water Savings Audit shall be completed and delivered to the Agency within 3 weeks of the signing of this Agreement by both parties.

Within 30 business days of receipt of the Technical Energy and Water Savings Audit, the Owner may request in writing additional information about any proposed measures. In such event the

ESCO agrees to provide, at no additional cost to the Agency, detailed engineering and financial calculations and to identify all assumptions and inputs underlying the recommended energy conservation measures and services. The ESCO will submit the requested information within 15 business days of receipt of the request from the Agency. Upon receipt of the information from the ESCO, the Owner may, within 15 business days of receipt of the initial response from the ESCO, request additional information about the recommended program. The ESCO shall have 15 business days to respond to the second and any subsequent requests for information, and the Agency shall have 15 business days to respond. This process may continue until (a) the parties resolve the deficiencies and objections and the Agency accepts the Technical Energy and Water Savings Audit ; or (b) the Agency and the ESCO mutually select an acceptable engineering firm to decide whether the recommended ECMs are feasible and the proposed costs and savings are reasonable, or (c) a determination, in the reasonable opinion of ESCO or Agency, that there does not appear to be reasonable basis to design feasible ECMs.

The ESCO shall include in the Technical Energy and Water Savings Audit all associated costs should the project require review by a third party for design/construction review (CPSM) and/or peer review. It is understood between the ESCO and Owner that the fees for the third party review is an estimate and will be paid based on actual invoices received. The ESCO shall comply with the VUSBC and any applicable codes.

If energy and water savings measures are determined to be feasible, and if the amount of savings can be reasonably sufficient to cover all costs, or a substantial amount of the costs as defined by the Owner, the parties may negotiate an Energy Performance Contract. Under the Contract, the ESCO will design, procure, install, implement, and monitor such energy and water savings measures. However, this intent does not commit Owner to entering into such Energy Performance Contract.

## **2. THE ESCO FEE AND PAYMENT**

The Owner shall have no payment obligations at the time of execution of this MOU, but acknowledges that the fee indicated below shall be incorporated into the ESCO's project costs, in the event the ESCO and the Owner execute an Energy Performance Contract.

Should the ESCO determine any time during the Technical Energy and Water Savings Audit that savings cannot be attained to meet the Owner's terms as set forth, the Technical Energy and Water Savings Audit will be terminated by written notice of the ESCO to the Owner. In this event this MOU shall be cancelled and the Owner shall have no obligation to pay, in whole or part, the amount specified. In this event, the Agency shall return to the ESCO all information and data generated by the ESCO under the audit

Should the recommendations contained in the Technical Energy and Water Savings Audit meet or exceed the Owner's objectives and all contract requirements and the Owner, for any reason, does not proceed with the implementation phase, then the ESCO shall be paid the agreed upon amount for the Technical Energy and Water Savings Audit,

The ESCO agrees that the recommendations included in the Technical Energy and Water Savings Audit shall have:

- (a) Total projected energy savings that are at least 85 percent of the estimated energy savings quoted in the proposal for the Project; and
- (b) Total project costs that are no more than 110 percent of the estimated costs quoted in the proposal for the Project.

In the event the Technical Energy and Water Savings Audit contains recommendations

The negotiated fee for the Technical Energy and Water Savings Audit, including reimbursables, is twelve thousand dollars and 00/100 (\$12,000.00) to be proportioned as follows:

Energy Consultant	\$ 165
Energy Engineer	\$ 165
Mechanical Engineer	\$ 165
Electrical Engineer	\$ 165
Architect	\$ 165
Structural Engineer	\$ 165
Cost Estimator	\$ 120
Clerical	\$ 45
Etc.	

#### 4. PERSONNEL

The Owner's representative assigned to this project is Thanh Dang telephone number (540) 434-5928                      FAX number (540) 434-2695                     . The Owner will advise the ESCO in writing of any change in the Project Manager.

The ESCO has assigned the following as the responsible persons for the function/disciplines indicated for this project:

Title	Name	Area of Focus
<b>Bundled Solution Account Manager</b>	Ryan Shear	GESA business development in the state of Virginia. Understanding the needs of the client and quarterbacking a team to build the appropriate technical and financial solution. Financial responsibility for Line Service / Virginia Area. Development of GESA projects in the state of Virginia.
<b>General Manager</b>	Jeff Buennemeyer	
<b>Project Engineer</b>	Justin Brewer	
<b>Project Manager</b>	Richard Kin'ead	GESA project technical solution development. Comprehensive technical solutions to generate maximum energy and operational savings. Runs the construction process, conducts monthly meetings with the client, and coordinates all subcontractor activities.
<b>Service Manager</b>	Don Market	Manages the day to day service operations. Responsible for ensuring customer satisfaction after the initial construction phase and maintaining warranty requirements.
<b>Vice President - Energy Services</b>	BRI Maurer	Executive Level Business development. High level technical solutions development. Energy savings and project review. Manages overall Performance of the Energy Services Division.
<b>Director - Energy Service</b>	Dan Dowell	Mid-Atlantic Team leader. Identify customer needs and help to develop the appropriate strategy. Understanding of local, state and federal programs to assist the client
<b>Sr. Vice President Operations</b>	Greg Sowder	Operational delivery - high level. Project review and risk analysis. Project delivery, quality control and customer expectations.
<b>Director of Technical Solutions</b>	Kevin Brown	Evaluate new technologies for possible inclusion as energy conservation measures. Manage measurement and verification process.
<b>Director of Installation Services</b>	Rick Goetz	Responsible for meeting all contract and scope requirements. Tracks project performance. Provides training for operations and project management personnel.

Should circumstances require substitution for any of the above-listed personnel assignments, the ESCO shall so advise the Owner in writing. Any substitute shall have the same or greater level of expertise and experience. Owner reserves the right to accept or reject proposed substitutions of personnel.

#### 5. OWNER OBLIGATIONS:

The Owner agrees to allow the ESCO access to its facilities during normal working hours for the purpose of gathering information required for the study and to cooperate with the ESCO in providing timely, complete, accurate, and pertinent information. Information about equipment specifics shall be obtained by the ESCO from the equipment manufacturer if the client is not in possession of this information already. If it has not already done so, the Agency shall furnish, or cause its energy suppliers to furnish, accurate and complete data concerning energy usage for the facilities for the most recent 36 month period, at a minimum.

Occupancy and usage information

Descriptions of any changes in the building or structure or its heating, cooling, lighting, or other systems or their energy requirements

Descriptions of all energy-consuming or energy saving equipment used on the premises

Descriptions of energy management and other relevant, operational or maintenance procedures utilized on the premises

Summary of expenditures for out-sourced maintenance, repairs or replacements on the premises

Copies of representative tenant leases, if applicable

Prior energy audits or studies of the premises, if any

6. **SCOPE OF SERVICES:** (In this section, define the building and/or buildings to be audited and any exceptions or changes to the audit format defined in the Technical Energy and Water Savings Audit)

AGREED TO ON THE DATE INDICATED ABOVE BY:

ESCO

OWNER

By: \_\_\_\_\_  
(Signature in ink) (Date)

By: \_\_\_\_\_  
(Signature in ink) (Date)

Name: Jeff Buennemeyer

Name: \_\_\_\_\_

Title: V.P – Mid Atlantic Region

Title: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(Signature in ink) (Date)

ATTEST: \_\_\_\_\_  
(Signature in ink) (Date)

# COMMONWEALTH of VIRGINIA

## ESCO Technical Energy and Water Savings Audit Instructions

### **A. Minimum Owner Conditions for ESCO**

Following are the minimum conditions the Owner will accept from the selected ESCO in the Technical Energy and Water Savings Audit.

#### **Technical Energy and Water Savings Audit Phase**

##### ***1. Technical Energy and Water Savings Audit.***

The ESCO's proposed contract terms must include the performance and presentation of results from a detailed Technical Energy and Water Savings Audit of a quality acceptable to the Owner. Markups provided prior to award of the Technical Energy and Water Savings Audit must be used throughout the project, provided its size and scope remain similar. If the Owner decides not to enter into an energy savings performance contract after the audit has been accepted, he agrees to pay the cost of the audit as stated in the Technical Energy and Water Savings Audit, Memorandum of Understanding (MOU) in accordance with its contract terms and conditions and under the conditions defined in Section B.2 of this document.

The ESCO will not limit its ECM recommendations to only those projects having a 12-year payback, but will give a prioritized list of all opportunities for savings, regardless of payback. The Owner may elect to buy-down the purchase and installation costs of ECMs that cannot be totally funded by energy and operations savings. The ESCO shall complete a preliminary analysis of all ECMs as described in Section E of this document. At that time shall commit funds, if available, to complete ECMs in excess of the twelve-year payback. If funds are not available, the ESCO will complete design on only the ECMs that can be funded under the twelve year program. The Technical Energy and Water Savings Audit must include estimates of savings for each measure. Also, the cost estimate for each measure must include an estimate of all component costs including engineering, design, installation, maintenance, repairs, and debt services. The Technical Energy and Water Savings Audit must include all calculations and the sources of the cost estimates used in the study.

##### ***2. Allowable Savings.***

Allowable savings to be used throughout the Technical Energy and Water Savings Audit will include energy and water savings, owner materials and commodity savings, including scheduled replacement of parts, and outside labor cost savings. Savings calculations usually do not include owner in-house labor costs or owner deferred maintenance costs, and will be determined on a project-by-project basis. Escalation rates and interest rates are open for negotiations in calculating savings projections.



### **3. *Energy Savings Projections.***

All energy savings projections used throughout the Technical Energy and Water Savings Audit will be presented in terms of energy usage and costs. Any cost savings related to maintenance and operation of the facilities will be rigorously reviewed and, if agreed to, will be limited to those that can be thoroughly documented and approved by the Owner.

### **4. *Use of Stated Cost Markups.***

The pricing methodology and individual cost markups disclosed during preliminary contract negotiations will be expected to be applied in costs presented in any subsequent technical audit or performance contract, providing the scope and size of the project remain the same as assumed when markups were disclosed.

### **5. *Professional Architect/Engineer Involvement.***

A registered professional engineer in the Commonwealth of Virginia must review and approve design work done under this contract and be involved throughout the process of auditing, design, construction, installation, and measurement and verification. The professional engineer is responsible for compliance with the Construction and Professional Services Manual on design documents and applicable review processes for state agency projects. All work shall conform to the Virginia Uniform Statewide Building Code, latest edition and revision for state agency projects. Local governments will have their own requirements.

## **Execution of the Audit**

### **1. Technical Energy and Water Savings Audit**

The ESCO agrees to perform a Technical Energy and Water Savings Audit in accordance with the Scope of Work described below. The ESCO agrees to complete the Technical Energy and Water Savings Audit and present the Owner with a final report within 90 calendar days or less as agreed to between the Owner and Contractor from the execution of the Technical Energy and Water Savings Audit, Memorandum of Agreement.

The Owner agrees to assist the ESCO in performing the Technical Energy and Water Savings Audit in accordance with the Scope of Work described below. The Owner agrees to work diligently to provide full and accurate information. The ESCO agrees to work diligently to assess validity of information provided and to confirm or correct the information, as needed.

The ESCO will submit a completed Technical Energy and Water Savings Audit, along with a proposal of Energy Performance Contract terms and conditions based on the recommended package of energy and water savings measures selected by the ESCO. The proposal will include details as specified in the Scope of Work below.

### **2. Compensation to the ESCO**

Except as provided for below, within 60 days after the Owner's acceptance of the ESCO's final submission of the Technical Energy and Water Savings Audit report, the Owner shall compensate the ESCO for performance of the Audit by payment to ESCO of the amount agreed to in the Technical Energy and Water Savings Audit, Memorandum of

Understanding.

- A. The Owner shall have no payment obligations at the time of the execution of the Technical Energy and Water Savings Audit, Memorandum of Understanding, but acknowledges that the fee indicated in the agreement shall be incorporated into the ESCO's project costs, in the event the ESCO and the Owner execute an Energy Performance Contract within 60 days, or such longer period as the parties may mutually agree, after acceptance of the final Technical Energy and Water Savings Audit report.
- B. Should the ESCO determine at any time during the Technical Energy and Water Savings Audit that the savings cannot be attained to meet the Owner's twelve-year payback term as set forth in the RFP, the Technical Energy and Water Savings Audit will be terminated by written notice of the ESCO to the Owner. In this event, the Technical Energy and Water Savings Audit, Memorandum of Understanding shall be cancelled and the Owner shall have no obligation to pay, in whole or in part, the amount specified.
- C. The Owner shall have no payment obligations under this agreement in the event that the ESCO's final Technical Energy and Water Savings Audit report does not contain a package of energy and water savings measures which, if implemented, will provide the Owner with guaranteed cash savings to be sufficient to fund the Owner's payments of all costs and fees associated with the Energy Performance Contract, including any annual fees to the ESCO, less any cash payment the Owner may choose to contribute. (The "back of the envelope" 85% rule applies to these savings. Your "back of the envelope" has to be 85% or greater of the amount of savings used for the payback options. The payback options have to cover the payment obligations.)

3. **Scope of Work**

The Technical Energy and Water Savings Audit shall be performed as described below:

- A. **Establish allowable costs and savings factors approved for consideration by the Owner.** The ESCO will use the following to develop savings estimates.
  - 1. Savings estimates may include:
    - A. Energy and water savings
    - B. Owner materials/commodity savings, including scheduled replacement of parts
    - C. Outside labor cost savings, including maintenance contracts
    - D. Offset of future Owner capital costs
  - 2. The following items may be negotiated:
    - A. Owner in-house labor costs
    - B. Owner deferred maintenance costs
    - C. Escalation rates for natural gas, electricity, water, and materials/commodities
    - D. Interest rates
  - 3. The following markup costs are disclosed to provide the Owner with typical project costing approaches for a project of similar scope and size. It is expected that these rates will be used in the Technical Energy and Water Savings Audit and subsequent Energy Performance Contract.

Provide the following pricing information below as it applies to this project:

<u>Project Services</u>	<u>Hourly Rates</u>
Licensed electrical engineer	\$165
Licensed mechanical engineer	\$165
Project manager for construction	\$165
CADD	\$80
Technical writer	\$80
Estimator	\$120
Other	
Other	

B. Collect data and background information from the Owner. The Owner will provide facility operations and energy use data for the most recent three years from the effective date of the Technical Energy and Water Savings Audit, Memorandum of Agreement, as follows:

1. Building square footage
2. Construction date of building and major additions
3. Utility company invoices
4. Occupancy and usage information
5. Description of all energy-consuming or energy-savings systems used on the premises, as available
6. Description of energy management procedures utilized on the premises
7. Description of energy-related improvements made or currently being implemented
8. Description of any changes in the structure of the facility or energy- or water-using systems
9. Description of future plans regarding building modifications or equipment modifications and replacements
10. Drawings, as available (may include mechanical, plumbing, electrical, building automation and temperature controls, structural, architectural, modifications, and remodels)
11. Original construction submittal and factory data (specifications, pump curves, etc.), as available
12. Operating engineer logs, maintenance work orders, etc., as available
13. Records of maintenance expenditures on energy-using equipment, including service contracts
14. Prior Technical Energy and Water Savings Audits or studies, if any.

The Owner agrees to work diligently to furnish the ESCO, upon request, accurate and complete data and information as available. Where information is not available from the Owner, the ESCO will make a diligent effort to collect such information through facility inspections, staff interviews, and data from utility companies.

The ESCO agrees to work diligently to assess validity of information provided and to confirm or correct the information, as needed.

### **C. Perform a facility inspection**

1. Interview the facility manager, maintenance staff, or others regarding:
  - a. Facility operations, including energy management procedures
  - b. Equipment maintenance problems
  - c. Comfort problems and requirements
  - d. Equipment reliability
  - e. Projected equipment needs, etc.
  - f. Occupancy and use schedules for the facility and specific equipment
  - g. Facility improvements, past and planned.
2. Inspect major energy-using equipment, including:
  - a. Lighting (indoor and outdoor)
  - b. Heating and heat distribution systems
  - c. Cooling systems and related equipment
  - d. Air distribution systems and equipment
  - e. Outdoor ventilation systems and equipment
  - f. Exhaust systems and equipment
  - g. Hot water systems
  - h. Electric motors, transmission and drive systems
  - i. Other energy-using systems
  - j. Water consuming systems (restroom fixtures, water fountains, irrigation systems, etc.).
3. Perform "late-night" surveys outside of normal business hours and on weekends to confirm building systems and occupancy schedules.
4. Develop a preliminary list of potential energy and water savings measures. Consider the following for each system.
  - a. Comfort and maintenance problems
  - b. Energy use, loads, proper sizing, efficiencies, and hours of operation
  - c. Current operating conditions
  - d. Remaining useful life
  - e. Feasibility of systems replacement
  - f. Hazardous materials and other environmental concerns
  - g. Owner's future plans for equipment replacement or building renovations
  - h. Facility operations and maintenance procedures that could be affected

### **D. Establish base year consumption and reconcile with end use consumption estimates.**

1. Examine utility bills for the past three years and establish base year consumption for electricity, gas, steam, water, etc., in terms of energy units (kWh, kW, ccf), and in terms of dollars per unit. Describe the process used to determine the base year (averaging, selecting most representative contiguous twelve months, etc.). Consult with facility personnel to account for any anomalous schedule or operating conditions on billings that could skew the base year representation. ESCO will account for periods of time when equipment was broken or malfunctioning in calculating the base year.

2. Estimate loading, usage, and/or hours of operation for all major end uses representing over five percent of total facility consumption, including, but not limited to:

- a. Lighting
- b. Heating
- c. Cooling
- d. HVAC motors (fans and pumps)
- e. Plug loads
- f. Kitchen equipment
- g. Other/miscellaneous

Where loading or usages are highly uncertain (including variable loads such as cooling), the ESCO will use its best judgment, spot measurements, or short-term monitoring. The ESCO should not assume that equipment run hours equal the operating hours of the building or rely on facility staff estimates.

3. Reconcile estimated annual end-use consumption with the annual base year consumption to within five percent for electricity, fuels, and water. The miscellaneous category can be no greater than five percent. This reconciliation will place reasonable limits on potential savings.
4. State how future plans for the building may affect the baseline energy and water usage and how the baseline will be adjusted.
5. ESCO should list factors that may be adjusted, such as cooling degree days (CDD), heating degree days (HDD), square footage changes, or changes to operating hours, etc.

- E. Develop a preliminary analysis of potential energy and water savings measures and other building services.

This list shall be compiled and submitted to the Owner within 60 days of the execution of the Technical Energy and Water Savings Audit, Memorandum of Understanding and should:

1. Identify measures that appear likely to be cost effective and, therefore, warrant detailed analysis.
2. For each measure, prepare a preliminary estimate of energy or water cost savings including description of analysis methodology, supporting calculations, and assumptions used to estimate savings.

- F. **Meet with the Owner to present preliminary findings prior to thorough analysis.**

Describe how the projected project economics meet the Owner's terms for completing the Technical Energy and Water Savings Audit, Memorandum of Understanding. Discuss assessment of energy use, savings potential, retrofit opportunities, and potential for developing an energy performance contract. Develop a list of recommended measures for further analysis.

**G. Analyze savings and costs for each energy and water savings measure.**

The ESCO should:

1. Consider technologies from a comprehensive perspective including, lighting systems, HVAC equipment and distribution systems, building envelope systems, motors, kitchen equipment, renewable energy systems, and water savings devices.
2. Follow the methodology of ASHRAE, the International Performance Measurement & Verification Protocol (IPMVP), or other nationally-recognized authorities and be based on the engineering principles identified in the description of the retrofit option.
3. Utilize assumptions, projections, and baselines which best represent the true value of future energy or operational savings. Include marginal costs for each unit of savings that are accurate at the time the audit is performed, documentation of material and labor cost savings, adjustments to the baseline to reflect current conditions at the facility, and calculations which account for the interactive effects of the recommended measures. Do not double-count the savings which result from individual measures, when calculating the total savings. Show input data used in developing the model baseline.
4. Use the best judgement regarding the employment of instrumentation and recording durations so as to achieve an accurate and faithful characterization of energy use.
5. Use the markups and fees stated above, where applicable, in all cost estimates.
6. Develop a preliminary measurement and verification plan for each measure.
7. Follow additional guidelines for analysis and report preparation, given below.

**H. Prepare a draft Technical Energy and Water Savings Audit Report.**

The primary purpose of the report is to provide an engineering and economic basis for negotiating a potential Energy Performance Contract between the Owner and the ESCO. The report shall be completed within 90 days of the date of execution of the Technical Energy and Water Savings Audit, Memorandum of Understanding. The report shall include:

1. Overview
  - a. Contact information.
  - b. Summary table of recommended energy and water savings measures, with an itemization of each measure for design and construction costs, annual maintenance costs, the first year cost avoidance (in dollars and energy units), simple payback, and equipment service life.
  - c. Summary of annual energy use and costs of existing or base year condition.

- d. Calculation of cost savings expected if all recommended measures are implemented. Include total percentage savings.
- e. Description of the existing facility, mechanical, and electrical systems.
- f. Summary description of measures, including estimated costs and savings for each, as detailed above.
- g. Discussion of measures considered but not investigated in detail.
- h. Conclusions and recommendations.

2. Full description of each energy and water savings measure, including:

- a. Written description:
  - 1. Existing conditions.
  - 2. Recommendations. Include a discussion of facility operations and maintenance procedures that will be affected by installation/implementation. Present the plan for installing or implementing the recommendations.
- b. Base year energy use:
  - 1. Summary of all utility bills
  - 2. Base year consumption and how established
  - 3. Plan for reconciling end-of-the-year results with base year figures.
  - 4. End year reconciliation with base year (include discussion of any unusual findings).
- c. Savings calculations:
  - 1. Base year energy use and costs
  - 2. Projected post-retrofit energy use and costs
  - 3. Savings estimates, including analysis methodology, supporting calculations, and assumptions used
  - 4. Conclusions, observations, and caveats
  - 5. Savings estimates must be limited to energy use and dollar savings allowed by the Owner, as described above
  - 6. Percent cost-avoidance projected
  - 7. Description and calculations for any proposed utility rate changes
  - 8. Explanation of how savings interactions between retrofit options is accounted for in calculations
  - 9. If computer simulation is used, include a short description and state key input data. Show all input data in the Appendix. If requested by Owner, access will be provided to the program and all assumptions and inputs used, and/or printouts shall be provided of all input files and important output files and included in the Technical Energy and Water Savings Audit with documentation that explains how the final savings figures are derived from the simulation program output printouts.
  - 10. If manual calculations are employed, formulas, assumptions, and key data shall be stated.
- d. Cost estimates. Detailed scope of the construction work needed, and in a form that is suitable for cost estimating. Include all anticipated costs associated with installation and implementation, including:
  - 1. Engineering and design costs.

2. Contractor/vendor estimates for labor, materials, and equipment; include special provisions, such as overtime, etc., as needed to accomplish the work with minimum disruption to the operations of the facilities.
3. Permit costs
4. Construction management fees
5. Commissioning costs
6. Other costs/fees
7. Company overhead/profit
8. Environmental costs of disposal, handling of hazardous materials, etc.
9. Note that all markups and fees stated in the Technical Energy and Water Savings Audit, Memorandum of Understanding shall be used in the cost estimates, unless otherwise documented and justified (due to changes in scope or size of project or other unforeseen circumstances).
10. Conclusions, observations, and caveats.

e. Other:

1. Estimate of average useful service life of equipment.
2. Preliminary commissioning plan.
3. Preliminary measurement and verification plan, explaining how savings from each measure is to be measured and verified (stipulated by agreement, utility bill analysis, end-use measurement and verification calculations, etc.).
4. Discussion of impacts that facility would incur after contract ends. Consider operations and maintenance impacts, staffing impacts, budget impact, etc.
5. Develop an operations and maintenance plan.
6. Develop a training plan for building operators.
7. Develop a training plan for building occupants.

3. Complete appendices that document the data used to prepare the analyses. Describe how data were collected.

- I. **Meet with the Owner to present the Technical Energy and Water Savings Audit findings.**
- J. **Revise audit as directed by the Owner.**
- K. **Prepare a proposed Performance Contract Agreement.**

Prepare a Project Performance Contract Agreement in anticipation of the ESCO and the Owner entering into an Energy Performance Contract to design, install, and monitor selected energy and water savings measures, proposed in the Technical Energy and Water Savings Audit, to include:

1. Project Cost—the total amount the Owner will pay for the project and the ESCO's services. Costs must be consistent with maximum markups and fees established above. Costs may include, but are not limited to:



- a. Engineering, designing, packaging, procuring, installing the measures (from the Technical Energy and Water Savings Audit Report results).
- b. Financing (based on interest rates likely available to Owner).
- c. Performance/payment bond costs.
- d. Cost of the guarantee.
- e. Construction management fee.
- f. Maintenance fees.
- g. Commissioning costs.
- h. Monitoring fees.
- i. Training fees.
- j. Legal services.
- k. Overhead and profit margins not included above.

2. A List of Services that will be provided, as related to each cost noted above.

**L. Prepare a preliminary analysis of energy performance contract terms to include:**

1. List of energy and water unit and dollar savings measures included in the recommended package.
2. Interest rates used in the analysis.
3. Expected contract terms (in number of years).
4. Analysis of annual cash flow for the Owner during the contract term.
5. Explanation of how savings will be calculated and adjusted, due to weather (such as heating or cooling degree days), occupancy changes, or other factors.

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Parks & Rec.	<b>Item:</b> Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$4,203.58 – First Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> This is an accounting procedure to move the interest realized on the funds held by the City for the First Tee Building construction project from fund balance to the First Tee capital projects fund.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>   <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.131	<b>Attachments:</b> 1. Supplemental Appropriation form.

**CITY OF HARRISONBURG, VIRGINIA**  
**REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS**  
**For Fiscal Year Ended June 30, 2010**

**From:**


FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31010	Amount from fund balance	2,101.79
1310	34210	Transfer from General Fund	2,101.79
Total			<u>4,203.58</u>

**To:**

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	990111-49216	Transfer to capital projects	2,101.79
1310	910141-48720	First TEE Building	2,101.79
Total			<u>4,203.58</u>

**Reason:** To increase the budget for cash held in the General Fund that represents interest that was allocated to the First TEE program. See account code 1000-01105.

**Requested by :**  12/16/09  
Head of Department Date

**Funds Available:**  12/16/09  
Director of Finance Date

**Recommended & Approved :**  12/17/09  
City Manager Date

**City Council Approval:** \_\_\_\_\_  
(1st reading)

**City Council Approval:** \_\_\_\_\_  
(2nd reading)

FINANCE DEPARTMENT'S POSTING \_\_\_\_\_  
NAME DATE JV #

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Parks & Rec.	<b>Item:</b> Consider supplemental appropriation for the Parks and Recreation Department in the amount of \$1,725 – First Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> This request is to move funds from a donation by Chipotle’s Mexican Grill to the Activities Center budget for purchase of a flat screen message board.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>   <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.1431	<b>Attachments:</b> 1. Supplemental Appropriation form.

**CITY OF HARRISONBURG, VIRGINIA**  
**REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS**  
**For Fiscal Year Ending June 30, 2010**

**From:**

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31809	Donations	\$1,725.00

**To:**

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	710471-46130	Recreational Supplies	\$1,725.00

**Reason:**

Purchase of flat screen message board for the  
Cecil F. Gilkerson Community Activities Center.

**Requested by :**

\_\_\_\_\_  
Head of Department

\_\_\_\_\_  
Date

**Funds Available :**

\_\_\_\_\_  
*James O. Seal*  
Director of Finance

\_\_\_\_\_  
1/6/10  
Date

**Recommended & Approved :**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

**City Council Approval:**

\_\_\_\_\_  
(1st reading)

**City Council Approval:**

\_\_\_\_\_  
(2nd reading)

**FINANCE DEPARTMENT'S POSTING**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JV #

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Fire	<b>Item:</b> Consider supplemental appropriation for the Fire Department in the amount of \$30,470.54 – First Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> These appropriated funds are for donations and grants.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.1456	<b>Attachments:</b> 1. Supplemental Appropriation form.

## CITY OF HARRISONBURG

## REQUEST FOR SUPPLEMENTAL APPROPRIATION

~~REQUEST FOR RE-ALLOCATION OF PRESENT BUDGET ESTIMATES~~For Fiscal Year Ending June 30, 2010

From:

FUND	CODE #	ACCOUNT DESCRIPTION	AMOUNT
1000	32545	VFIRS Grant	\$ 1,000.00
1000	36010	Amount from Fund balance	5,000.00
1000	32512	Fire Programs Fund	7,024.00
1000	31809	Donation	17,446.54
Total			\$30,470.54

FUND	CODE #	ACCOUNT DESCRIPTION	AMOUNT
1000	320232-48272	Hardware	\$ 1,000.00
1000	350532-46155	Four for Life	5,000.00
1000	320232-48113	Fire Programs Fund	7,024.00
1000	320232-43350 10fire1	Repair & Maint. Auto Equip.	17,446.54
Total			\$ 30,470.54

Reason: Appropriate funds for donations and grants received by department.

Requested By: Larry W. Shifflet 1-4-10  
 Department Head Date

Funds Available: Justin O. Deal 1/5/10  
 Director of Finance Date

Recommended and Approved Pat A. Hodges 1/5/10  
 City Manager Date

City Council Approval: \_\_\_\_\_ and \_\_\_\_\_  
 First Reading Second Reading

Finance Department: Posted by: \_\_\_\_\_ Date: \_\_\_\_\_ JV # \_\_\_\_\_

## AGENDA ITEM ACTION REQUEST

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	<b>Item:</b> Consider supplemental appropriation for the Police Department in the amount of \$6,088.90 – First Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> These funds were reimbursed for overtime by the Cops Meth program.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>   <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.130	<b>Attachments:</b> 1. Supplemental Appropriation form.



CITY OF HARRISONBURG, VIRGINIA  
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS  
For Fiscal Year Ended June 30, 2010

From:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	<del>31010</del> 33555	Amount from Fund Balance (10003555 Cops Meth. Grant)	\$6,088.90
			-

To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	310531-41020	Salaries/Wages OT	\$6,088.90

Reason: To replace funds reimbursed for overtime for  
Cops Meth Grant 2006-CK-WX-0492)

Requested by : Major M. Wilgus 12-10-09  
Head of Department Date

Funds Available : Justin O. Seal 12/15/09  
Director of Finance Date

Recommended & Approved : KT D. Hodges 12/17/09  
City Manager Date

City Council Approval: \_\_\_\_\_  
(1st reading)

City Council Approval: \_\_\_\_\_  
(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME

DATE

JV #

**AGENDA ITEM ACTION REQUEST**

	<b>Meeting Date:</b> January 12, 2010 <b>Meeting Type:</b> Regular <input checked="" type="checkbox"/> Special <input type="checkbox"/>
<b>Requestor:</b>  <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other Police	<b>Item:</b> Consider supplemental appropriation for the Police Department in the amount of \$5,653.25 – First Reading.
<b>Reviewed:</b>  <input checked="" type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> Department <input type="checkbox"/> Other	<b>Review:</b> These funds were reimbursed through a DMV grant for overtime and travel.
<b>Recommend:</b>  YES: <input checked="" type="checkbox"/>  NO: <input type="checkbox"/>   <input type="checkbox"/> Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> Department <input type="checkbox"/> Other	
Jan12.133	<b>Attachments:</b> 1. Supplemental Appropriation form.

CITY OF HARRISONBURG, VIRGINIA  
REQUEST FOR: SUPPLEMENTAL APPROPRIATIONS  
For Fiscal Year Ended June 30, 2010


From:

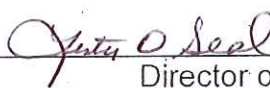
FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	31010	<del>Amount from Fund Balance</del>	\$5,653.25
1000	33524	Federal DMV Grant	

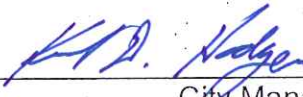
To:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	310631-45530	Training and Travel	297.20
1000	310631-41020	Salaries/Wages OT	532.46
1000	310231-41020	Salaries/Wages OT	4,823.59
			5,653.25

Reason: To recover money spent on overtime and training through  
DMV grant 154AL-2009-59208-3511.

Requested by :  12-22-09  
Head of Department Date

Funds Available :  12/28/09  
Director of Finance Date

Recommended & Approved :  11/5/10  
City Manager Date

City Council Approval: \_\_\_\_\_  
(1st reading)

City Council Approval: \_\_\_\_\_  
(2nd reading)

FINANCE DEPARTMENT'S POSTING  
NAME DATE JV #